

Jonathan E. Moskin, Esq.
(Admitted pro hac vice)
FOLEY & LARDNER LLP
90 Park Avenue
New York, NY 10016
Tel.: (212) 682-7474
Email: jmoskin@foley.com

Jean-Paul Ciardullo, Esq.
(Admitted *pro hac vice*)
FOLEY & LARDNER LLP
555 S. Flower St., Suite 3300
Los Angeles, CA 90071
Tel.: (213) 972-4500
Email: jciardullo@foley.com

*Attorneys for Plaintiff
Herman Miller, Inc.*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HERMAN MILLER, INC.,

Plaintiff,

V.

SKY ENTERPRISES, INC. dba LAURA
DAVIDSON FURNITURE; and DAVID
KROSKY a/k/a DAVE MCBRIDE,

Defendants.

Case No.: 2:20-cv-01480-RFB-EJY

STATUS REPORT AND NOTICE CONCERNING SETTLEMENT; STIPULATION

1 Defendants Sky Enterprises, Inc. dba Laura Davidson Furniture, and David Krosky a/k/a
2 Dave McBride and Plaintiff Herman Miller, Inc. (collectively, the “Parties”) hereby notify the
3 Court that they have executed a Binding Term Sheet to settle the case, and, believing that they are
4 close to completing a final Settlement Agreement, jointly stipulate as follows:

5 . . .

6 WHEREAS, on November 1, 2021, the Parties stipulated to stay all deadlines pending a
7 mediated settlement conferences. (ECF 49.)

8 WHEREAS, on December 6, 2021, the Parties submitted a joint stipulation resetting the
9 case schedule, including dates for submission of *Markman* claim construction briefing as well as
10 remaining fact and expert discovery. (ECF 58.)

11 WHEREAS, subsequent to submission of the joint stipulation resetting the case schedule,
12 the Parties executed a Binding Term Sheet to settle the lawsuit.

13 WHEREAS, the Parties are in the process of finalizing a written settlement agreement that
14 will memorialize and effectuate the terms of the Parties’ Term Sheet.

15 WHEREAS, the Parties currently believe they can complete and execute the written
16 settlement agreement within fifteen (15) days from entry of this stipulation and also anticipate
17 filing for dismissal within this time period.

18 WHEREAS, the Parties desire to devote their full attention to effectuating settlement, and
19 also to avoid further time and expense in briefing claim construction and engaging in fact
20 discovery, and therefore respectfully request a 15-day stay of all current deadlines.

21 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between
22 the Parties, and the Court's approval is respectfully requested, that:

23 All further proceedings in the action be stayed for a period of fifteen (15) days pending
24 finalization of the Parties’ written settlement agreement and submission of the Parties’ dismissal
25 papers.

IT IS SO AGREED AND STIPULATED:

DATED this 7th day of January, 2022.

FOLEY & LARDNER LLP

/s/ Jean-Paul Ciardullo

Jean-Paul Ciardullo, Esq.

(Admitted pro hac vice)

555 S. Flower St., Suite 3300

Los Angeles, CA 90071

Tel.: (213) 972-4500

Email: jciardullo@foley.com

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90 Park Avenue

New York, NY 10016

Tel.: (212) 682-7474

Email: jmoskin@foley.com

SANTORO WHITMIRE

Nicholas J. Santoro, Esq. (NBN 532)

Jason D. Smith, Esq. (NBN 9691)

10100 W. Charleston Blvd., Suite 250

Las Vegas, NV 89135

Tel.: (702) 948-8771

Email: nsantoro@santoronevada.com

jsmith@santoronevada.com

Attorneys for Plaintiff

DATED this 7th day of January, 2022.

DICKINSON WRIGHT PLLC

/s/ Franklin M. Smith

John L. Krieger, Esq. (NBN 6023)

Tenesa S. Powell, Esq. (NBN 12488)

Caleb L. Green, Esq. (NBN 15234)

3883 Howard Hughes Parkway, Suite 800

Las Vegas, NV 89169-0965

Tel.: (702) 550-4400

Email: jkrieger@dickinsonwright.com

tpowell@dickinsonwright.com

cgreen@dickinsonwright.com

Franklin M. Smith, Esq.

(Admitted Pro Hac Vice)

Email: fsmith@dickinsonwright.com

2600 W. Big Beaver Rd, Suite 300

Troy, Michigan 48084

Tel.: (248) 433-7393

GILE LAW GROUP LTD.

Ryan Gile, Esq. (NBN 8807)

1180 N. Town Center Drive, Suite 100

Las Vegas, NV 89144

Tel. (702) 703-7288

Email: rg@gilelawgroup.com

Attorneys for Defendants

IT IS SO ORDERED:


United States Magistrate Judge

DATED: January 11, 2022